**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH**

**AT HYDERABAD**

THE HON'BLE SRI JUSTICE N.V.RAMANA

W.P.No. 26046 of 1998

Dated : 15.7.2005

Between:

S.Gopalakrishna Murthy

.. Petitioner

and

The President & Correspondent,

Sri Teleprolu Raja High School,

Kothapeta, Vijayawada & others.

.. Respondents

**THE HON'BLE SRI JUSTICE N.V.RAMANA**

**ORDER:**

Questioning the appointment of an Advocate as Enquiry Officer to conduct enquiry against the petitioner, the present writ petition is filed.

The case of the petitioner is that he is a Physical Education Teacher working in the 1st respondent School and the 5th respondent who is the Headmaster of the said School, bore grudge against him and with a view to harass, got issued charge memos dated 23.12.1997 and 14.3.1998 to the petitioner. The grievance of the petitioner in this writ petition is that in spite of his submitting explanations denying the charges made in the said memos by explaining the misdeeds of the 5th respondent, the 1st respondent initiated disciplinary proceedings against him and through letter dated 18.8.1998 directed him to appear before the Enquiry Officer, who is an Advocate. Questioning the same, the present writ petition is filed stating that the appointment of an Advocate as Enquiry Officer is not in accordance with rules. It is further stated that the Enquiry Officer shall be of a superior rank to the charged person and from the same institution.

This Court while admitting the writ petition on 17.9.1998, stayed the enquiry against the petitioner and same is continued till date.

Heard the learned counsel for petitioner and the learned counsel appearing for respondents.



When the matter is taken up for hearing, it was submitted by the learned counsel for the petitioner and admitted to by the learned counsel for the respondents that the settled service law is that no Advocate can be appointed as Enquiry Officer in relation to disciplinary matters against employees, and it is also admitted that as

per the Service Rules, an officer superior to the delinquent employee, should be appointed as Enquiry Officer.

In view of the admitted stand taken by the counsel, I deem it appropriate to dispose of the writ petition with the following directions:

The writ petition is allowed. The impugned order, whereby an Advocate is appointed as Enquiry Officer to conduct enquiry against the petitioner is set aside. This order, however, does not preclude the respondents to appoint and conduct enquiry against the petitioner as per the Service Rules governing the petitioner and in accordance with law. No costs.

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N.V.RAMANA, J

Date: 15.7.2005

DA/TVK

**THE HON'BLE SRI JUSTICE N.V.RAMANA**

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